

**3881. Adulteration and misbranding of extract of lemon, essence of peppermint, and essence of cinnamon. U. S. v. Chapman Drug Co. Plea of guilty. Fine, \$10 and costs.**  
(F. & D. No. 3455. I. S. Nos. 19180-c, 19181-c, 19182-c.)

On April 26, 1912, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chapman Drug Co., a corporation, and D. C. Chapman, general manager, Knoxville, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on April 20, 1911, from the State of Tennessee into the State of Georgia, of quantities of lemon extract, essence of peppermint, and essence of cinnamon, which were adulterated and misbranded. The lemon extract was labeled: (On box) "One Dozen Extract Lemon, Pure Food Guarantee Number 223. Chapman Drug Co., Knoxville, Tennessee." (On carton) "Crown Flavor Lemon, Guaranty Legend, Serial No. 223." (On bottle) "Crown Flavor Lemon, Artificially Colored. White Lion Brand."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 20/4° C.....	0.8950
Ethyl alcohol (per cent by volume).....	62.7
Methyl alcohol: Absent.	
Solids (grams per 100 cc) .....	0.06
Coloring matter: Naphthol Yellow S.	
Oil by precipitation (per cent by volume).....	1.1
Oil by rotation (per cent by volume).....	1.1
Aldehyde as citral (per cent by weight).....	0.12

The essence of peppermint was labeled: (On box) "One Dozen Ess. Peppermint. Pure Food Guarantee No. 223. White Lion Brand Drugs. Chapman Drug Co., Knoxville, Tennessee." (On bottle) "Guarantee No. 223. Peppermint Flavor, Chapman Drug Co., Wholesale Druggists, Knoxville, Tenn."

Analysis of a sample of this product by the said Bureau of Chemistry showed the following results:

Specific gravity, 20/4° C.....	0.9125
Ethyl alcohol (per cent by volume).....	57.2
Methyl alcohol: Absent.	
Solids (grams per 100 cc) .....	0.05
Coloring matter: None.	
Oil by precipitation (per cent by volume).....	1.0

The essence of cinnamon was labeled: (On box) "One Dozen Ess. Cinnamon. Pure Food Guarantee Number 223. White Lion Brand. Chapman Drug Co., Knoxville, Tennessee." (On bottle) "Guaranty No. 223. Cinnamon Flavor, Chapman Drug Company, Wholesale Druggists, Knoxville, Tenn."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Specific gravity, 20/4° C.....	0.9351
Ethyl alcohol (per cent by volume).....	47.6
Methyl alcohol: Absent.	
Solids (grams per 100 cc) .....	0.31
Coloring matter: Absent.	
Oil by extraction (per cent by volume).....	1.15
Refractive index of oil, 20° C .....	1.5707

It was alleged in the information that lemon extract, as understood by the trade and public in general, is the flavoring extract prepared from oil of lemon or from lemon peel, or both, and contains not less than 5 per cent by volume of oil of lemon; that peppermint extract, as understood by the trade and public in general, is the flavoring

extract prepared from oil of peppermint or from peppermint, or both, and contains not less than 3 per cent by volume of oil of peppermint; and that cinnamon extract, as understood by the trade and public in general, is the flavoring extract prepared from oil of cinnamon and contains not less than 2 per cent by volume of oil of cinnamon. It was further alleged in the information that an analysis made of the lemon extract showed that a dilute extract or flavor of lemon was substituted for the product and that such product was colored in a manner whereby its inferiority was concealed; that the analysis of the essence of peppermint showed that a dilute peppermint flavor of approximately one-third standard strength was substituted for such product; and the analysis of the essence of cinnamon showed that a dilute cinnamon flavor had been substituted for the product, and that the products were therefore adulterated, in that a substance, to wit, a dilute extract or flavor of lemon in the first case, and in the second case, a dilute peppermint flavor of approximately one-third standard strength, and in the other case, a dilute cinnamon flavor, had been mixed and packed with the products so as to reduce, lower, or injuriously affect their quality or strength; and, further, in that a substance, to wit, a dilute extract or flavor of lemon in the first case, and in the second case a dilute flavor of approximately one-third standard strength, and in the other a dilute cinnamon flavor, had been substituted wholly or in part for the genuine products; and, further, in that the first-mentioned product had been colored in a manner whereby its inferiority was concealed.

Misbranding of the products was alleged in the information for the reason that the following statements, to wit, "Extract Lemon" and "Flavor Lemon," borne on the labels of the first-mentioned product, and "Ess. Peppermint" and "Peppermint Flavor," borne on the labels of the second-mentioned product, and "Ess. Cinnamon" and "Cinnamon Flavor," borne on the labels of the third-mentioned product, were false and misleading because such statements deceived the purchaser into the belief that the product in the first case was a genuine lemon extract, in the second case was a genuine peppermint extract, and in the other cinnamon extract, whereas, in truth and in fact, the products were not genuine lemon, peppermint, and cinnamon extracts, but a dilute extract or flavor of lemon of less than one-fourth normal strength, and a dilute peppermint flavor of approximately one-third standard strength, and a dilute cinnamon flavor. Misbranding was alleged for the further reason that the products were sold or offered for sale as lemon, peppermint, and cinnamon extracts, whereas, in truth and in fact, such products were imitations of lemon, peppermint, and cinnamon extracts. Misbranding was alleged for the further reason that the products were labeled and branded so as to deceive and mislead the purchaser, being labeled "Extract Lemon" and "Flavor Lemon" in the first case, and "Ess. Peppermint" and "Peppermint Flavor" in the second case, and "Ess. Cinnamon" and "Cinnamon Flavor" in the other, thereby creating the impression that the products were genuine lemon, peppermint, and cinnamon extracts, whereas, in truth and in fact, said products were not lemon, peppermint, and cinnamon, but consisted in the case of the first-mentioned product (lemon) of a dilute extract or flavor of lemon of less than one-fourth normal strength, and in the case of the second-mentioned product (peppermint) of a dilute peppermint flavor of approximately one-third standard strength, and in the case of the third-mentioned product (cinnamon) of a dilute cinnamon flavor.

It was also alleged in the information that the products were misbranded and adulterated in that the packages of the products bore statements or designs regarding such articles and the ingredients and substances contained therein which were false and misleading.

On November 5, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 28, 1915.